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FROM: Jason S. Feldmar
OUR REF.: G&C 30566.79-US-U1
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|--------------------------------|---|
| Title of Document Transmitted: | BRIEF OF APPELLANTS AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT IN THE AMOUNT OF \$170 FOR FILING FEE. |
| Applicants: | Mark E. Sweat et al. |
| Serial No.: | 09/534,757 |
| Filed: | March 24, 2000 |
| Group Art Unit: | 2153 |
| Title: | METHOD AND APPARATUS FOR DRAWING COLLABORATION ON A NETWORK |
| Our Ref. No.: | G&C 30566.79-US-U1 |

Please charge all fees to Deposit Account No. 50-0494 of Gates & Cooper LLP.

By: Jason S. Feldmar

Name: Jason S. Feldmar

Reg. No.: 39,187

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G&C 30566.79-US-U1

Confirmation No.: 2752
Due Date: March 31, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark E. Sweat et al. Examiner: Kimberly D. Flynn
Serial No.: 09/534,757 Group Art Unit: 2153
Filed: March 24, 2000 Docket: G&C 30566.79-US-U1
Title: METHOD AND APPARATUS FOR DRAWING COLLABORATION ON A NETWORK

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

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By: 

Name: Jason S. Feldmar

MAIL STOP APPEAL BRIEF - PATENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

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- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
- ☒ Brief of Appellant(s).
- ☒ Charge the Fee for the Brief of Appellant(s) in the amount of \$170.00 to the Deposit Account.

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers, if appropriate.

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Customer Number 22462

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(310) 641-8797

By: 

Name: Jason S. Feldmar

Reg. No.: 39,187

JSF/sjm

G&C 30566.79-US-U1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Reg. No.: 39,187

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G&C 30566.79-US-U1

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CENTRAL FAX CENTER**MAR 31 2005**

Due Date: March 31, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

| | | |
|---------------------------------|---|------------------------------|
| In re Application of: |) | |
| |) | |
| Inventor: Mark E. Sweat et al. |) | Examiner: Flynn, Kimberly D. |
| |) | |
| Serial #: 09/534,757 |) | Group Art Unit: 2153 |
| |) | |
| Filed: March 24, 2000 |) | Appeal No.: _____ |
| |) | |
| Title: METHOD AND APPARATUS FOR |) | |
| DRAWING COLLABORATION |) | |
| ON A NETWORK |) | |

BRIEF OF APPELLANTS**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §41.37, Appellants hereby submit the Appellants' Brief on Appeal from the final rejection in the above-identified application, as set forth in the Office Action dated October 6, 2004.

Please charge the amount of \$170 (the difference between a prior Appeal Brief fee paid of \$330 and the revised fee amount of \$500) to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §41.37(a)(2) and 37 CFR §41.20(b)(2) to Deposit Account No. 50-0494 of Gates & Cooper LLP. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 50-0494.

I. REAL PARTY IN INTEREST

The real party in interest is Autodesk, Inc., the assignee of the present application.

Best Available Copy

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III. STATUS OF CLAIMS

Claim 1 has been cancelled.

Claims 2-48 are pending in the application.

Claims 2, 3, 6, 7, 9, 10, 12-17, 20, 21, 23, 24, 26-32, 35, 36, 38, 39, and 41-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Doherty ("Project specific Web sites," from Interiors, Vol 157, March 1998), in view of Glasser et al. (U.S. Patent No. 5,956,715, hereinafter "Glasser").

Claims 4, 18, and 33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Doherty, in view of Glasser, and further in view of Pajak et al. (U.S. Patent No. 5,388,196, hereinafter "Pajak").

Claims 5, 8, 19, 22, 34, and 37 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Doherty, in view of Glasser, and further in view of Kempfer (Active Project 3.0, June 1998).

Claims 11, 25, 40, and 46-48 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Doherty, in view of Glasser, in view of what was well known in the art at the time the invention was made.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The invention is generally concerned with the management of architectural projects on a web site (see page 2, lines 10-13). The web site provides for the management (e.g., setting and maintaining access permissions) of architectural project information (see page 2, lines 10-13; page 6, lines 9-22). The web site also manages personnel that may access particular areas of the web site and projects (see page 6, lines 20-22).

Independent claims 2, 16, and 31 are generally directed to accessing architectural project information using an interactive web site. As claimed, the web site has various areas (see FIGS. 2-6). Each of the different areas provides the ability to modify and organize particular types of information and functionality. The claims provide that all of the areas must be present. The different areas provide the ability to view and display specific project information and manage who may access the web site and particular projects managed at the web site.

Specifically, one claimed area provides for the modification and organization of site members of the web site (see page 15, line 15-page 16, lines 1; page 24, line 4-page 27, line 8; FIGS. 3, 6, 7, and 11).

Another claimed area provides for the modification and organization of one or more projects including storing, organizing, and displaying a listing of drawings and text files in project folders and standard folders. This area also provides for displaying drawings and text files. Further, the claims specifically provide that project related administration tasks are available if a user is working with the project folders and such project related administrations tasks are not available when working with the standard folders (see page 27, line 10-page 30, line 4; page 35, line 5-page 43, line 15; FIGS. 2, 4, 5, and 8).

A third area provides for the modification and organization of project members of projects including defining access permissions for project members to access project folders, standard folders, drawings, and text files (see page 27, line 10-page 35, line 4; FIGS. 4, 6, 8, 9, and 10).

Thus, as described in the specification and claimed, a single web site provides explicit functionality that allows the ability to modify and organize project information, users of the web site, and users of a particular project.

The dependent claims provide additional functionality to independent claims 2, 16, and 31.

Dependent claims 3, 17, and 32 provide that access permissions may be defined for the site members of the web site (see page 24, line 4-page 27, line 8).

Dependent claims 4, 18, and 33 provide that the web site is displayed in a tree hierarchical view. Further, the tree hierarchical display provides a listing of the drawings, text files, project folders, and standard folders that make up the projects (see page 11, lines 6-7).

In dependent claims 5, 19, and 34, the web site provides the additional functionality for

allowing a user to markup a drawing (see page 21, lines 10-13; page 48, line 19-page 50, line 12).

Dependent claims 6, 20, and 35 provide that various aspects of the interactive web site are installed and executed on a local/client computer (see page 14, lines 25-44; page 50, lines 15-20).

Dependent claims 7, 21, and 36 provide for updating project information stored on a server by transferring information from a local computer to the server (see page 16, line 2-22).

Dependent claims 8, 22, and 37 provide a feature of the interactive web site for emailing a site member when the site member's access permissions change (see page 25, lines 16-24; page 26, lines 10-13).

Dependent claims 9, 23, and 38 further provide an area to specify a location of information to be displayed on the web site (see page 39, line 13-page 40, line 22).

Dependent claims 10, 24, and 39 indicate the usage of an activity log that captures activities of the site members (see page 43, line 17-page 45, line 3).

Dependent claims 11, 25, and 40 depend on claims 10, 24, and 39 and provide the ability to filter the activity log based on specified properties (see page 44, lines 4-19).

Dependent claims 12, 26, and 41 illustrate that the site members can be organized in a group and access permissions can be established for the group (i.e., rather than on an individual site member basis) (see page 17, lines 5-12).

Dependent claims 13, 27, and 42 provide for an additional area of the web site that may be used for discussing aspects of a project (see page 45, lines 5-19).

Dependent claims 14, 28, 29, 43, and 44 allow the import and export of information using the website (see page 55, line 12-page 59, line 1).

Dependent claims 15, 30, and 45 provide that the interactive web site is created by a user without interaction or action by a site administrator (see page 3, line 13-16; page 64, lines 21-22).

Dependent claims 46-48 depend on claims 2, 16, and 31 respectively and provide that the user can designate and change a URL for a location of project information when the user is working with project folders but not when the user is working with standard folders (see page 18, line 20-page 19, line 5).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 2, 3, 6, 7, 9, 10, 12-17, 20, 21, 23, 24, 26-32, 35, 36, 38, 39, and 41-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Doherty ("Project specific Web sites," from Interiors, Vol. 157, March 1998), in view of Glasser et al. (U.S. Patent No. 5,956,715, hereinafter "Glasser").

Claims 4, 18, and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Doherty, in view of Glasser, and further in view of Pajak et al. (U.S. Patent No. 5,388,196, hereinafter "Pajak").

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Claims 11, 25, 40, and 46-48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Doherty, in view of Glasser, in view of what was well known in the art at the time the invention was made.

VIII. ARGUMENTS

A. Independent Claims 2, 16, and 31 Are Patentable Over The Prior Art

The independent claims were rejected as follows:

In considering claim 2, Doherty discloses a computer-implemented apparatus comprising:
A computer server (inherent in running a Web site);

An interactive Web site hosted on the computer server ("Web Site"), wherein the interactive Web site is configured to provide access to architectural project information ("project specific Web site" for "construction" projects);

One or more projects including storing, organizing, and displaying a listing of drawings ("CAD") and text files ("specs") in folders ("project directory" and "electronic filing cabinet of documents"), and displaying drawings and text files ("specs, CAD"); and

Project members of the one or more projects ("members of the project teams") including defining access permissions for project members to access to project folders, drawings, and text files ("allowing authorized people access to specific project information").

However, Doherty does not disclose a specific structure of the folders used to store the drawings and text files and an access rights system for such a folder structure. Instead, Doherty only describes a general "project directory" and "electronic filing cabinet" for storing the files, and remains silent regarding a specific structure of the folders. Nonetheless, the use of project folders and standard folders in a project-based networking environment, wherein the project-related administration tasks are accessed from the project-based folders, and project related administration tasks are not available from standard (i.e. general, or public) folders, is well known, as evidenced by Glasser. In a similar art, Glasser discloses a network system for accessing project information on a server, wherein the information is stored in a folder hierarchy, and wherein different users can have different access permissions to different folders, such as "full access," "limited access," or "read-only access" (col. 7, line 41 - col. 8, line 26, see also, col. 7, lines 5-40 and Fig. 4, describing that some

folders are for private projects, such that the project information is available only from those folders). Given this knowledge, a person having ordinary skill in the art would have readily recognized the desirability and advantages of storing the project information taught by Doherty in a hierarchical folder structure including various access rights to users, as taught by Glasser, because such a folder system allows easy, user-friendly navigation across the web site, and because only members of a project should have access to files stored in a project folder.

Appellants traverse the above rejections for one or more of the following reasons:

- (1) Neither Doherty nor Glasser teach, disclose or suggest an interactive web site configured to display drawings and text files;
- (2) Neither Doherty nor Glasser teach, disclose or suggest project folders and standard folders wherein project related administration tasks are not available for standard folders; and
- (3) Neither Doherty nor Glasser teach, disclose or suggest the ability for a user on a web site to have the ability to modify and organize project members, and for the user to define access permissions for such project members to access project folders, standard folders, drawings, and text files.

As described above, independent claims 2, 16, and 31 are generally directed to accessing architectural project information using an interactive web site. As claimed, the web site has various areas (see FIGS. 2-6). Each of the different areas provides the ability to modify and organize particular types of information and functionality. The claims provide that all of the areas must be present. The different areas provide the ability to view and display specific project information and manage who may access the web site and particular projects managed at the web site.

Specifically, one claimed area provides for the modification and organization of site members of the web site (see page 15, line 15-page 16, lines 1; page 24, line 4-page 27, line 8; FIGS. 3, 6, 7, and 11).

Another claimed area provides for the modification and organization of one or more projects including storing, organizing, and displaying a listing drawings and text files in project folders and standard folders (see page 27, line 10-page 30, line 4; page 35, line 5-page 43, line 15; FIGS. 2, 4, 5, and 8). The claimed area also provides for displaying drawing and text files.

A third area provides for the modification and organization of project members of projects. Such an area also provides the ability for the user of the interactive web site to define access permissions for the project members to access project folders, standard folders, drawings, and text

files (see page 27, line 10-page 35, line 4; FIGS. 4, 6, 8, 9, and 10).

Thus, as described in the specification and claimed, a single web site provides explicit functionality that allows the ability to modify and organize project information, users of the web site, and users of a particular project.

In addition, the claims provide for specific differences between project folders and standard folders. In this regard, project related administration tasks are available if a user is working with the project folders and are not available when working with the standard folders. Thus, depending on which kind of folders the user is working with, certain tasks may or may not be available. None of the cited references teach or disclose such a distinction.

In rejecting the independent claims, the Office Action relies primarily on Doherty. Firstly, Appellants note that Doherty completely fails to teach a web site that provides for many areas, one of which displays drawings and text files. In rejecting this claim element, the Office Action relies on Doherty "specs, CAD". This portion of Doherty provides:

A project directory: an electronic file cabinet of documents (specs, CAD, product information)...

As can be seen from this text, the "specs, CAD" portion of Doherty merely describes what is in an electronic file cabinet of documents. There is no description, implicit or explicit in Doherty that provides for the display of drawings and text files.

The Office Action then continues and admits that Doherty fails to disclose the specific structure of the folders used to store the drawings and text files and an access rights system for such a folder structure as claimed. In rejecting these claim elements, the Office Action states that it is well known as evidenced by Glasser.

s respectfully traverse such an assertion. Firstly, it is not well known to have a web site with the specific multiple areas set forth in the claims. Further, it is not well known to have a web site with information stored in folders having a specific structure. More specifically, the use of project folders and standard folders where project related administration tasks are not available in standard folders (but are with respect to project folders) and the ability for users of the web site to define access permissions for project members for particular project folders, standard folders, drawings, and text files is not taught, nor suggested, implicitly or explicitly in either Doherty or Glasser.

The claims specifically provide that project related administration tasks are available if the user is working with project folders and are not available when working with standard folders. Glasser simply describes the ability to define different access permissions for different folders. FIG. 4 which is described in col. 7, line 5-col. 8, line 27 merely identifies that a particular folder may have a name "Secret Projects" or "Project X". Further, each of the different folders may have different access permissions. The Office Action states that "some folders are for private projects, such that project information is available only from those folders". Appellants agree with such a statement. However, the present claims do not attempt to claim that certain information (e.g., project information) is only available from project folders. Instead, the claims provide that project administration tasks are only available when working with project folders and not when working with standard folders. In this regard, the Office Action is attempting to merely ignore the terms "project administration tasks" as not having any meaning.

The term "project administration tasks" is used in the specification and is specifically defined. Page 18, line 15-page 20, line 11, and page 27, line 10- page 30, line 4 describes project administration. These pages clearly illustrate tasks that are specific for project related activities. Some of the tasks include adding/removing members and groups to/from a project (or changing their permission level)(and notifying the members of the same), viewing a log of project related activities, change the project name, view the date the project was originally created, its size and URL, view permission set (lock/unlock) status, view total number of files and folders in the project, set the number of file versions that can be saved, specify a project information page URL, specify a project directory URL, archiving project contents, etc.

As claimed, the area of the web site provides the modification and organization of projects wherein certain project administration tasks are only available for certain folders (i.e., project folders). Such an availability of particular tasks based on what type of folder is being accessed/worked with is not even remotely suggested by Doherty or Glasser. In other words, the ability to perform certain tasks is based on which folder is being accessed/worked on. Accordingly, if a user is not working in a particular folder (i.e., a project folder), particular tasks (i.e., project related administration tasks) are not available at all.

Glasser merely allows access levels for different folders to be defined. Such access level settings are not project related administration tasks as claimed. Appellants note that under MPEP §2142 and 2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." In this regard, the term "project related administration tasks" and the meaning behind the term cannot merely be ignored when evaluating the claims. Appellants note that a "task" as set forth in the claims is not merely access to data. The claim language itself states that it is a project related administration task – access to data is not and cannot be interpreted as such a claimed task.

In response to the above, the Advisory Action provides:

In considering (a), Applicant contends that neither Doherty nor Glasser teach, disclose, or suggest an interactive web site configured to display drawings and text files. Examiner respectfully disagrees with this argument. Notably, Doherty describes giving authorized people access to specific project information on a secure Web site (page 1, ¶1), and further describes that the information includes specs, CAD, and product information (page 2, ¶1). In addition, Doherty discloses that the web site "cut[s] the cost of express mail, messengers, copies, and blueprints" (page 1, line 9). This description of project-specific web sites suggests that the web site can display drawings (CAD) and text files (specs).

Appellants respectfully disagree with such arguments. Again, the claims specifically provide that the area of the web site provides the ability to display drawings and text files. Such capability is in addition to displaying a listing of such drawings and text files. The final Office Action and Advisory Action merely provide that people have access to information that includes specs, CAD, and product information. Such access is not even remotely similar to actually displaying such drawings and text files.

In addition, the Advisory Action provides that Doherty provides that the web site cuts the cost of express mail, messengers, copies, and blueprints. Appellants agree that providing access to such information would cut the described costs. However, the described costs merely reinforce Appellants arguments. Namely, the access provided in Doherty allows for the transmission back and forth of the information. The cost of a messenger and express mail clearly refers to the delivery of information from one party to another. Such delivery does not even imply or suggest, explicitly or implicitly, that drawings and text files are displayed on a website. In fact, the remaining portions

of Doherty completely fail to describe or suggest the ability to display any drawings or text files whatsoever. Instead, Doherty merely provides an electronic file cabinet of documents (see page 2, second paragraph). Such a cabinet would only potentially apply to the "listing of drawings and text files..." set forth in the claims but not the ability to display the drawings and text files themselves. Again, the ability to eliminate certain delivery costs cannot and does not imply or suggest the ability to display drawings and text files on a web site.

The Advisory Action continues:

In considering (b), Applicant contends that neither Doherty nor Glasser teach, disclose, or suggest project folders and standard folders wherein project related administration tasks are not available for standard folders. Examiner respectfully disagrees with this argument.

First, it is important to note that actual claim language. The claim states that "project related administration tasks are not available *when working with* the standard folders" (emphasis added). The phrase "administration tasks" is broad and undefined in the claim, and thus can include any tasks related to administering, managing, or otherwise organizing the project. Furthermore, the phrase "when working with" is vague in that it does not require that a user is accessing a standard folder, or is inside a standard folder. It only requires that when a user is working with one set of folders, the user does not have access to project related administration tasks.

In view of this claim construction, the combination of Doherty and Glasser does teach and suggest the claimed invention. Doherty discloses that the web site can be split up into different projects, and that a project manager can allow access to authorized members to specific projects (page 1, first paragraph, last paragraph). Glasser, which describes in more depth the types of access permissions that can be given to members of a collaborative online system, in addition to a folder structure for providing access to projects and administrative tasks (Fig. 4), describes that users working in the private folder can have access to both secret projects ("secret projects") and administrative tasks ("payroll" functions). It further discloses that users working in public, "standard," folders do not have access to those administrative tasks. Col. 6, line 55-col. 7, line 40 describes this system. Thus, in the combined system of Doherty and Glasser discloses and suggests a system where project related administrative tasks are available if users a user is working with project folders, but are not available if a user is working with standard folders.

Appellants respectfully disagree with and traverse the above. Firstly, the Advisory Action relies on Glasser to describe "in more depth the types of access permissions that can be given to members of a collaborative online system, in addition to a folder structure for providing access to projects and administrative tasks (Fig. 4)." Appellants again note that Fig. 4 and the supporting text on col. 6, line 55-col. 7, line 40 merely describes access levels for different folders to be defined. Nowhere in the text or figure is there any description, remote or otherwise, that even alludes to administrative tasks.

The Advisory Action then states that Fig. 4 and the text "describes that users working in the private folder can have access to both secret project ("secret projects") and administrative tasks ("payroll"

function). While Fig. 4 does describe secret projects and access to folders labeled as "secret projects", the "payroll" described is not even remotely similar to a "function" as asserted in the Advisory Action. The text specifically provides:

...Folder 412 contains file 416 ("1995 Q&A") and file 417 ("1995 Outlook"). Folder 420 ("Private") contains folder 421 ("Secret Projects") which contains file 423 ("Project X"), and further contains folder 422 ("Payroll") which contains file 424 ("Pay Spreadsheet Oct '94") and file 425 ("Pay Spreadsheet Nov '94"). (Emphasis Added)

As can be seen, the "payroll" is not a function at all but is merely a folder that contains several spreadsheets. In this regard, a folder is not equivalent to, nor does it teach, disclose, or allude to, implicitly or explicitly, a project related administration task. The mere capability for a folder to have a spreadsheet stored in the folder does not disclose any tasks, administrative or otherwise, that is available. Further, this portion of text (and the remainder of Glasser) also fails to describe the limitations with respect to availability when working with project folders. In this regard, there is no description in Glasser that provides that such spreadsheets cannot be stored in public folders.

Again, the difference between private and public folders is known in the art and merely reflects accessibility to such folders. However, the claims provide for the availability of "project related administration tasks". Such term is not a commonly used term and is a term specifically used and defined in the specification as set forth above. Further, even if the words "project related administration" were ignored, the term "task" still has meaning and is not equivalent to a folder as described in Glasser.

The Advisory Action further continues and states:

In considering (c), Applicant contends that neither Doherty nor Glasser teach, disclose, or suggest the ability for a user on the web site to have the ability to modify and organize project members, and for the user to define access permissions for such project members to access project folders, standard folders, drawings, and text files. Examiner respectfully disagrees. Notably, both Doherty and Glasser describe that different access permissions can be given to different users for different projects, including project folders and standard folders and specific files, as described in the aforementioned sections of Doherty and Glasser.

The argument asserted by Appellant addresses the ability for a user, on a web site, to not only modify and organize site members, but to also modify and organize project members, in addition to defining access permissions for the project members to access project folders, standard folders, drawings, and text files. Doherty merely provides "by allowing authorized people access to

specific project information on a secure Web site". Such a teaching does not and cannot possibly teach the ability for a user, through a website, to modify and organize both site members and project members. Further, such a teaching does not and cannot teach the ability for a user, through a website, to define access permissions for project members to access project folders, standard folders, drawings and text files.

Appellants also submit that an article describing a web site (without any enabling disclosure of the website whatsoever), that merely comments on allowing authorized people access to project information on a web site does not describe any of the specifically claimed limitations. In this regard, such authorized persons may merely be authorization to browse the internet by a web-service provider. Alternatively, such a suggestion could mean the placement of specific information in a folder that all people on the website can view. Again, the teaching does not even remotely suggest the ability to modify and organize such users or their permissions.

Such prior art limitations apply similarly to Glasser. Further, Glasser fails to mention both the "internet" and "web". Electronic searches of Glasser for the terms "internet" and "web" returned no results. Accordingly, without even mentioning such terms, Glasser cannot possibly teach an area of a website for modifying and organizing site members, project members, and access permissions for such project members.

In view of the above, Appellants submit that the present claims clearly overcome the cited references. Thus, Appellants respectfully request reversal of the rejections.

B. Dependent Claims 3, 17, and 32 Are Patentable Over The Prior Art

Dependent claims 3, 17, and 32 provide that access permissions may be defined for the site members of the web site. To teach these claimed elements, the final Office Action relies on Doherty "allowing authorized people access".

Appellants note that these claim limitations must be viewed in combination with the remaining claim elements cited in the independent claims. In this regard, the combination of these dependent claims with the independent claims provides that access permissions can be defined for two separate groups – site members and project members. Accordingly, to teach these dependent claims, Doherty must teach a single web site that has the ability to define access permissions for

both groups. Doherty merely mentions in a single sentence that states a web site may allow authorized people access to specific project information on a secure Web site. Such a statement does not describe how or when such access permissions can be specified/defined. Further, the sentence does not provide that access permissions may be defined by different groups of people (i.e., site members v. project members).

In view of the above, Appellants submit that dependent claims 3, 17, and 32 are not described or suggest, implicitly or explicitly by the cited references and are in condition for allowance.

C. Dependent Claims 4-7, 18-21, and 33-36 Are Not Separately Argued

D. Dependent Claims 8, 22, and 37 Are Patentable Over The Prior Art

Dependent claims 8, 22, and 37 provide a feature of the interactive web site for emailing a site member when the site member's access permissions change.

To teach the additional elements of these claims, the final Office Action does not rely any reference. Instead, the Office Action merely states:

However, neither Doherty, nor Glasser, nor Kempfer explicitly disclose emailing those changes to users. Nonetheless, Kempfer does disclose emailing general changes to users ("change notification"). Thus, given this teaching it would have been obvious to e-mail the access permission changes to the users in the system taught by Doherty, Glasser, and Kempfer, to ensure that the users are aware of their current status within the project.

Appellants respectfully traverse the above assertions. Firstly, Kempfer merely states:

It adds transaction capabilities to a project Web site such as access control, sign in/out, redline/markup, subscription, and change notification. (Emphasis Added).

The mere reference to change notification being added as a transaction capability completely fails to even remotely describe emailing a user of anything. In this regard, not only does Kempfer fail to disclose emailing a user of general changes, but Kempfer cannot and does not allude to or suggest, the specifically claimed limitation of emailing a user upon a change in access permissions of the user.

In view of the above, Appellants appreciate the Examiner's acknowledgement of the benefit of the present invention – to ensure users are aware of their current status within the project.

However, such assurances are not contemplated or described in the cited references. In this regard, the rejection relies on impermissible hindsight. Under MPEP §2141.01, "The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention". It is not Appellants obligation to disprove that a reference has or does not have any characteristics that would prevent it from being combined with another reference. Instead, under MPEP 2143, it is the Examiner's obligation to set forth a *prima facie* case of obviousness. As part of establishing the case, the Examiner must meet three criteria: he must show that some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The rejection states a benefit that is not cited anywhere in any of the cited references. Further, the final Office Action itself admits that the cited references fail to teach the limitations set forth in the claims. In view of the above, Appellants submit that these dependent claims are patentable over the cited references.

E. Dependent Claims 9, 23, and 38 Are Not Separately Argued

F. Dependent Claims 10, 24, and 39 are Patentable Over the Cited Art

Dependent claim 10 provides that the web site includes an activity log that captures the activities of site member on the web site.

In rejecting claim 10, the final Office Action merely refers to Doherty "logs" of "revisions". Such language refers specifically to a particular sentence of Doherty that describes components universal to all project specific Web sites: "online forms and logs (RFIs, revisions, etc.)." Appellants submit that the exact meaning of such terms as used in Doherty is not set forth in Doherty. Doherty is merely an article from a magazine commenting on project-specific web sites. Accordingly, rather than reading extensive meaning into the words, the Doherty article must be

viewed from a commentators perspective and the plain meaning of the words as set forth in the article should be used.

Thus, while Doherty discloses online forms and logs, the specific examples given for such logs are RFIs and revisions. Consistent with the terms as used in Doherty, the logs must apply to RFIs and revisions. A log of RFIs could merely be interpreted as a list of RFIs (request for Information). A log of "revisions" could mean a list of those revisions made to a document. Such a log could be determined based on when a particular document was last saved offline and loaded up onto the web site, with the log of revisions reflecting the different times the document was saved offline.

In contrast to such a "log of RFIs" or "log of revisions", the present claims specifically provide for an activity log. More specifically, the claims have particular limitations that provide that the activity log records/captures activities of site members on the web site. Accordingly, instead of merely providing a log of revisions to a particular document that may be performed offline and loaded onto a web site, the claims provide detailed limitations regarding the capturing of online activities of site members. Such language is not even remotely alluded to, implicitly or explicitly, by Doherty's 5 word description of a log of revisions. In this regard, Appellants note that a revision log may take many forms all of which do not even remotely describe activities of users on a web site. In fact, Appellants submit that a log of revisions does not include site member activity on a web site. Accordingly, Appellants submit that Doherty clearly fails to teach dependent claim 10.

In response to prior arguments in this regard, the Advisory Action states:

Doherty discloses that the system includes "online forms and logs," "discussion threads," and "project progress information." See page 2, ¶1. Each of these can be construed as activity logs, because they capture activities of site members on the site (such as posts to the discussion thread, logs, and project progress resulting from site member activity). Thus, Doherty discloses the claimed activity log.

Appellants respectfully disagree with the above assertions. A discussion thread does not capture activity of a user on a web site. Instead, a discussion thread merely posts comments a user has elected to type up and submit to a bulletin board/discussion thread. Such comments may not be typed online but may be typed offline and emailed to a discussion group which distributes such comments to the group. Such a discussion thread does not log or capture a user's activity. As is known in the computer industry, a log is not even remotely similar to a discussion thread.

With respect to "project progress information", such progress information could merely be the actual physical construction stage (e.g., electrical inspection passed, plumbing in progress, etc.) as reported by a user. In this regard, project progress information does not even remotely allude to a log of a user's activity while on a web site.

Again, the claims set forth specific limitations regarding the activity log. The mere posting of information to a web site and a log of revisions does not read or imply any of these claimed limitations. Accordingly, Appellants respectfully request reversal of the rejections.

G. Dependent Claims 11, 25, and 40 are Patentable Over the Cited Art

Claim 11 provides that the information in claim 10's activity log can be filtered based on one or more specified properties.

The final Office Action admits that neither Doherty nor Glasser disclose filtering the activity. However, in the final Office Action, the Examiner took Official Notice that filtering a list of items based on specified properties is well known in the computer arts (i.e., filtering e-mail based on date, sender, subject; filtering files according to type, size; filtering management information according to numerous criteria). The final Office Action then continued and stated that it would have been obvious to allow a user or administrator to filter the information contained in the log as taught by Doherty. Firstly, Appellants traverse and disagrees with the Official Notice. Secondly, the filtering of Doherty's log would still fail to teach the claimed invention. In this regard, such filtering would merely filter revisions (see the interpretation of claim 10 above) which does not teach the filtering of web site activities of users/site members.

Appellants also note that the descriptions provided in the Official Notice appear to merely be a manner for sorting e-mail and not for filtering or removing certain items from e-mail. It is known in the art to perform a search for particular items. However, the Official Notice appears to confuse the ability to filter email with sorting or finding particular messages based on specified criteria. Further, the Official Notice relates to email and not to activity logs or logs of any sort. In this regard, Appellants note that filtering email is significantly distinguishable from filtering an activity log for web site activities of a user. Accordingly, Appellants disagree with and traverse both

the Official Notice, the teaching that results from the Official Notice, and the rejection of dependent claim 11.

In response to the above traversal set forth in the final Office Action, the Advisory Action introduced new supporting evidence and stated:

Examiner hereby supplies supporting evidence to the Office notice statement, notably that it is well known to filter a list of information or other information contained in a log (such as discussion threads/e-mails, file information, etc.) based on specified properties. For example, Glenn et al. U.S. Patent No. 5,907,677, describes that a filter "reviews e-mail and newsgroup messages...by analyzing discussion thread in the actual e-mail and message content." Further Christensen et al. (U.S. Patent No. 6,055,543) describes that it is well known to search a group of files for specific content (Abstract). Such a search function constitutes "filtering information based on one or more specified properties." Thus, given this common knowledge in the art, it would have been obvious for a person viewing the activity logs taught by Doherty to filter through them according to the specific criteria in order to quickly find those specified criteria.

Appellants respectfully traverse the above assertions. Firstly, the above cited text from the Advisory Action clearly refers to filtering e-mail, newsgroup messages and a group of files. While such filtering or searching may be useful in certain contexts, such filtering is not what is set forth in the claims. Instead, the claims specifically provide for filtering an activity log. An activity log is not email, a newsgroup message, or a group of files. Instead, the activity log is a log of activities of site members while on the interactive website (e.g., see claim 10). As stated above with respect to claims 10, 24, and 39, activity logs do not include "online forms and logs", "discussion threads", or "project progress information" as set forth in Doherty.

In addition, when rejecting the claims, there must be some motivation to combine the references. MPEP §706.02(j) provides that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." The Official Notice and the cited references fail to provide or suggest any motivation that the concept of filtering email, newsgroup messages, or a group of files should be applied to the filtering of an activity log. One of ordinary skill in the art would also fail to have such a motivation. In this regard, one of ordinary skill in the art would likely merely view the log in a default order without any extra capabilities to filter or sort the log. The Patent Office has failed to show (in the form of Official Notice or references) the equivalence between an activity log and either a discussion thread, email, or project progress

information. There are distinct differences as set forth in the claims and describe above. None of these differences has been addressed in the cited references.

In view of the above, Appellants respectfully request reversal of the above rejections.

H. Dependent Claims 12-15, 26-30, and 41-45 Are Not Separately Argued

I. Conclusion

In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.


Respectfully submitted,

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APPENDIX

1. (CANCELLED)

2. A computer-implemented apparatus comprising:

a computer server;

an interactive web site hosted on the computer server, wherein the interactive web site is configured to provide access to architectural project information, wherein one or more areas of the interactive web site provide for:

modification and organization of:

a display of the interactive web site;

site members of the interactive web site;

one or more projects including storing, organizing, and displaying a listing of drawings and text files in project folders and standard folders, and displaying drawings and text files, wherein project related administration tasks are available if a user is working with the project folders and such project related administration tasks are not available when working with the standard folders; and

project members of the one or more projects including defining access permissions for project members to access the project folders, the standard folders, the drawings, and the text files.

3. The apparatus of claim 2 wherein access permissions can be defined for site members of the interactive web site.

4. The apparatus of claim 2 wherein a tree hierarchical view of the interactive web site displays the listing of the drawings and text files and the project folders and standard folders.

5. The apparatus of claim 2 wherein the interactive web site is further configured to allow the user to markup the drawing.

6. The apparatus of claim 2 wherein aspects of the interactive web site are installed and executed on a client computer.

7. The apparatus of claim 2 further comprising updating project information stored on the server by transferring information from a local computer to the server.

8. The apparatus of claim 2 wherein a feature of the interactive web site provides for emailing a site member upon a change in access permissions of the site member.

9. The apparatus of claim 2 wherein the area for the modification and organization of the display of the interactive web site comprises an area to specify the location of information to be displayed on the interactive web site.

10. The apparatus of claim 2 wherein the interactive web site further comprises an activity log that captures activities of site members on the interactive web site.

11. The apparatus of claim 10 wherein information in the activity log can be filtered based on one or more specified properties.
12. The apparatus of claim 2 wherein the site members of the interactive web site may be organized in a group and wherein the interactive web site provides the ability to define access permissions for the group.
13. The apparatus of claim 2 wherein the interactive web site further comprises an area for discussing aspects of a project.
14. The apparatus of claim 2 wherein the interactive website further comprises the ability to import and export information.
15. The apparatus of claim 2 wherein the interactive web site is created by a user without action or interaction with a site administrator.
16. A method for providing access to architectural project information comprising:
accessing architectural project information using an interactive web site hosted on a server,
wherein one or more areas of the interactive web site provide an ability to modify and organize:
a display of the interactive web site;
site members of the interactive web site;

one or more projects including storing, organizing, and displaying a listing of drawings and text files in project folders and standard folders, and displaying drawings and text files, wherein project related administration tasks are available if a user is working with the project folders and such project related administration tasks are not available when working with the standard folders; and

project members of the one or more projects including defining access permissions for project members to access the project folders, the standard folders, the drawings, and the text files.

17. The method of claim 16 further comprising the interactive web site providing the ability to define access permissions for site members of the interactive web site.
18. The method of claim 16 further comprising displaying a tree hierarchical view of the listing of the drawings and text files and the project folders and standard folders.
19. The method of claim 16 further comprising the interactive web site allowing the user to markup the drawing.
20. The method of claim 16 further comprising installing and executing aspects of the interactive web site on a client computer.

21. The method of claim 16 further comprising updating project information stored on the server by transferring information from a local computer to the server.
22. The method of claim 16 further comprising emailing a site member upon a change in access permissions of the site member.
23. The method of claim 16 further comprising the interactive web site providing an area to specify the location of information to be displayed on the interactive web site.
24. The method of claim 16 further comprising capturing the activities of site members in an activity log.
25. The method of claim 24 further comprising filtering information in the activity log based on one or more specified properties.
26. The method of claim 16 further comprising:
organizing the site members in a group; and
the interactive web site providing the ability to define access permissions for the group.
27. The method of claim 16 further comprising the interactive web site providing an area for discussing aspects of a project.

28. The method of claim 16 further comprising importing information.
29. The method of claim 16 further comprising exporting information.
30. The method of claim 16 further comprising creating the computer implemented interactive web site without action or interaction with a site administrator.
31. An article of manufacture for accessing architectural project information comprising:
a program storage device, readable by a computer server, tangibly embodying at least one program of instructions executable by the computer server to perform method steps for hosting an interactive web site on the computer server wherein the interactive web site comprises:
means for modifying and organizing:
a display of the interactive web site;
site members of the interactive web site;
one or more projects including means for storing, means for organizing, and
means for displaying a listing of drawings and text files in project folders and
standard folders, and displaying drawings and text files, wherein project related
administration tasks are available if a user is working with the project folders and
such project related administration tasks are not available when working with the
standard folders; and

project members of the one or more projects including means for defining access permissions for project members to access the project folders, the standard folders, the drawings, and the text files.

32. The article of manufacture of claim 31 further comprising means for defining access permissions for site members of the interactive web site.

33. The article of manufacture of claim 31 further comprising means for displaying a tree hierarchical view with the listing of the drawings and text files and the project folders and the standard folders.

34. The article of manufacture of claim 31 further comprising means for allowing the user to markup the drawing.

35. The article of manufacture of claim 31 further comprising means for installing and executing the interactive web site on a client computer.

36. The article of manufacture of claim 31 further comprising means for updating project information stored on the server by transferring information from a local computer to the server.

37. The article of manufacture of claim 31 further comprising means for emailing a site member upon a change in access permissions of the site member.

38. The article of manufacture of claim 31 further comprising means for specifying the location of information to be displayed on the interactive web site.

39. The article of manufacture of claim 31 further comprising means for capturing activities of site members in an activity log.

40. The article of manufacture of claim 39 further comprising means for filtering information in the activity log based on one or more specified properties.

41. The article of manufacture of claim 31 further comprising:
means for organizing site members in a group; and
means for defining access permissions for the group.

42. The article of manufacture of claim 31 further comprising means for discussing aspects of a project on the interactive web site.

43. The article of manufacture of claim 31 further comprising importing information.

44. The article of manufacture of claim 31 further comprising exporting information.

45. The article of manufacture of claim 31 wherein the interactive web site was created without action or interaction with a site administrator.

46. The apparatus of claim 2 wherein the user can designate and change a uniform resource locator (URL) for a location of project information when the user is working with the project folders and not when working with standard folders.

47. The method of claim 16 further comprising designating and changing a uniform resource locator (URL) for a location of project information, wherein such designating and changing is available when the user is working with the project folders and is not available when working with standard folders.

48. The article of manufacture of claim 31 wherein the user can designate and change a uniform resource locator (URL) for a location of project information when the user is working with the project folders and not when working with standard folders.

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